

Retired Employees. Active employees who retire are eligible for PEIA health and life benefits, provided they meet the minimum eligibility requirements of the applicable state retirement system and if their last employer immediately prior to retirement: is a participating employer under the Consolidated Public Retirement Board and, as of July 1, 2008 forward, is a participating employer with PEIA. Active Employees who as of July 1, 2008 have ten years or more of credited service in the CPRB and whose employer at the time of their retirement does participate with CPRB, but does not participate with PEIA will be eligible for PEIA retiree coverage; provided: they otherwise meet all criteria under this heading and their employer agrees, in writing, upon a form prescribed by PEIA, that the employer will pay to PEIA the non-participating retiree premium on behalf of the retiree or retirees.. Active employees who are members of the Teacher's Defined Contribution Retirement plan must be either: fifty-five years of age and have twelve or more years of credited service; or be at least sixty years of age with five years of service; and their last employer immediately prior to retirement must be a participating employer under that, or the CPRB system to qualify to continue PEIA insurance benefits upon retirement. Employees who participate in non-State retirement systems but which are CPRB system affiliated, contracted, or approved (such as TIAA-CREF and similar plans), or are approved, in writing, by the PEIA Director must, in the case of education employees, meet the minimum eligibility requirements of the State Teacher's Retirement System, and in all other cases meet the minimum eligibility requirements of the Public Employees Retirement System to be eligible for PEIA as a retiree. Eligible retirees not participating with PEIA immediately before their retirement or retirees who enroll with PEIA after the expiration of the calendar month of their retirement and the following two (2) calendar months may be subject to pre-existing condition limitations when they enroll.

West Virginia Retiree Health Benefit Trust Participation (Retiree Trust). The Retiree Trust is intended to address the Other Post Employment Benefit (OPEB) liability of employers with current or future retirees participating in the PEIA health plans. State law mandates that all employers with employees who are eligible or who will become eligible to participate in PEIA as retirees, are MANDATORY participants in the Retiree Trust. (W.Va. Code §§5-16d-1 et seq.)

Non-State employers may opt out of the Retiree Trust ONLY upon a written Certification, under oath, to PEIA that the employer has no employees who are eligible or who will become eligible to participate in the PEIA health plan as retirees. The employer must also agree to defend and hold PEIA harmless from any and all claims by employees of the employer requesting PEIA coverage. PEIA will provide forms for non-State employers wishing to opt out of the Retiree Trust. PEIA will use the following policies in determining whether to accept an employer's opt out request:

WV OPEB Plan Participation Scenario and Policy Document

Table 1 is a list of various scenarios concerning participation the WV Other Post Employment Benefit (OPEB) Plan. All scenarios assume participation with PEIA.

Any employer that opts out of the WV OPEB plan, but remains on PEIA, must still contribute to the Trust at the minimum annual required payment (MARF) level. When opting out of the WV OPEB plan the employer is opting out of retiree eligibility and the billing of the remaining Annual Required Contribution (ARC).

If the employer opts out of PEIA, they may still be required to pay the non-participating premiums for their retirees still participating in PEIA but they will no longer be considered a participating employer in the WV OPEB plan if they sign the Opt Out Hold Harmless Agreement. It will be the responsibility of the employer to determine their OPEB expense and liability, if any.

Table 1			
List of Scenarios Regarding Employer OPEB Plan Participation			
Wishes to Opt Out	CPRB Participating Employer	Retirees in PEIA Currently	Retirees in PEIA in past
Scenario 1	Yes	Yes	Yes
Scenario 2	No	Yes	Yes
Scenario 3	No	No	Yes
Scenario 4	No	No	No
Scenario 5	Yes	No	No
Wishes to Participate in WV OPEB Plan			
Scenario 6	No	No	No
Scenario 7	No	No	Yes
Scenario 8	No	Yes	Yes
Scenario 9	No	Yes	No
No Action from Employer			
Scenario 10	No	No	No
Scenario 11	No	No	Yes
Scenario 12	No	Yes	Yes
Scenario 13	No	Yes	No
Suggested Policies for Scenarios			
Wishes to Opt Out			
Scenario 1	Reject opt out request. Employer is both PEIA and CPRB.		
Scenario 2	-Reject current opt out request based on current retirees. -Employer will be grandfathered in as an OPEB employer due to past/present participation. -Employer may be able to re-apply for opt-out upon 5 years of no retiree participation in PEIA.		
Scenario 3	-Reject opt out request, employer will be grandfathered in as an OPEB employer due to past participation. <u>- Exception: Approve opt out request if employer signs hold harmless agreement and the past participation is now past 5 years from last retiree's enrollment in PEIA.</u> -If opt out approved, employer will not be permitted to re-enter WV OPEB.		
Scenario 4	-Approve opt out request and cease billing remaining ARC with signed hold harmless agreement. -Employer will not be permitted to re-enter WV OPEB.		
Scenario 5	Reject opt out request. Employer is both PEIA and CPRB.		

Wishes to Participate in WV OPEB Plan	
Scenario 6	Approve, if Director approves retirement plan.
Scenario 7	Approved
Scenario 8	Approved
Scenario 9	Approved
No Action from Employer	
Scenario 10	Advise of new law effective July 1, 2008, and request decision to apply for approval of retirement plan. Failure to respond will result in notification of removal from WV OPEB Plan eligibility.
Scenario 11	Advise they have been grandfathered due to past participation and may request to opt out if they are beyond the 5 year period.
Scenario 12	Advise they have been grandfathered due to past and present participation and may request to opt out if they are beyond the 5 year period.
Scenario 13	Advise they have been grandfathered due to present participation and may request to opt out if they are beyond the 5 year period.

(All terms are as defined in W.Va. Code §5-16d-1 et seq)